

1975

c 14 The Highway Traffic Amendment Act, 1975 (2nd Session) (No. 2)

Ontario

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CHAPTER 14

An Act to amend The Highway Traffic Act

Assented to December 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

63a.—(1) In this section, “seat belt assembly” means a device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

Definition

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness.

Seat belt assembly
R.S.C. 1970,
c. 26,
(1st Supp.)

(3) Subject to subsection 5, every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner.

Use of
seat belt
assembly
by driver

(4) Subject to subsection 5, every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner.

Use of seat
belt assembly
by
passenger

Exemption

- (5) Subsections 3 and 4 do not apply to a person,
- (a) driving a motor vehicle in reverse;
 - (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
 - (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; or
 - (d) under the age of sixteen years.

Driver to
ensure
passenger
uses seat
belt assem-
bly

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

Exception

- (7) Subsection 6 does not apply where the passenger,
- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;
 - (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 25 miles per hour; or

- (c) is occupying and properly secured in child seating and restraint systems prescribed under the regulations.

(8) The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;

- (b) providing for the exemption from any of the provisions of this section of,

- (i) any type or class of motor vehicles,

- (ii) any class of drivers or passengers in motor vehicles.

2. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34 and 1975, chapter 78, section 11, is repealed and the following substituted therefor: ^{s. 147 (2), re-enacted}

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of subsection 3 or 6 of section 63a or of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or under subsection 8 of section 63a or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. ^{Owner when not driver not liable for penalties}

3. This Act comes into force on the 1st day of January, 1976. ^{Commencement}

4. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session) (No. 2)*. ^{Short title}

